

§ 41.6001-3T Proof of payment for entry into the United States (temporary).

(a) *In general.* (1) Except as otherwise provided in paragraph (a)(2) of this section, proof of payment of the tax imposed by section 4481(a) must be presented to United States Customs officials with respect to any highway motor vehicle subject to the tax imposed by section 4481(a) that has a base for registration purposes in a contiguous foreign country upon entry of such vehicle into the United States during any taxable period to which this section applies. Such proof of payment must relate to tax paid (or suspended under § 41.4483-3) for the taxable period that includes the date of entry into the United States. See paragraph (c) of this section for the definition of the term "proof of payment."

(2) No proof of payment is required upon entry of a highway motor vehicle described in paragraph (a)(1) of this section into the United States if, as of the date of such entry, the period of time for filing a return of the tax imposed on such vehicle by section 4481(a) for the taxable period that includes the date of such entry has not expired and a written declaration is presented to United States Customs officials. Such declaration must state that, as of the date of such entry, the period of time for filing a return of the tax imposed on such vehicle by section 4481(a) for the taxable period that includes the date of such entry has not expired. The written declaration must include (i) the name, address, and taxpayer identification number of the person liable under § 41.4481-2 for the tax imposed on such vehicle; (ii) the vehicle identification number of such vehicle; (iii) the date on which such vehicle was first used on the public highways in the United States during the taxable period (or a statement that the current entry is the first use on the public highways in the United States during the taxable period); (iv) an acknowledgment by the person liable for the tax imposed on such vehicle that the willful use of the declaration to evade or defeat the tax otherwise applicable under section 4481(a) will subject such person to a fine or imprisonment or both; and (v) the signature of the person liable for the tax imposed on such vehicle. A copy of the written declaration shall be retained in the records of the person liable for the tax imposed on such vehicle under the rules of § 41.6001-1. See § 41.6071(a)-1 for rules regarding the time for filing a return of the tax imposed by section 4481(a).

(b) *Failure to provide proof of payment.* If, upon attempting to enter the

United States, the operator of a highway motor vehicle described in paragraph (a) of this section is unable to present proof of payment of the tax imposed by section 4481(a), or documentation described in paragraph (a)(2) of this section, with respect to such vehicle, then such vehicle may be denied entry into the United States.

(c) *Proof of payment—(1) In general.* For purposes of this section, the proof of payment required in paragraph (a) of this section shall consist of a receipted Schedule 1 (Form 2290) that is returned by the Internal Revenue Service to a taxpayer that files a return of tax under section 4481(a) and pays the amount of tax (or installment thereof) due with such return. A photocopy of such receipted Schedule 1 shall also serve as proof of payment. Such proof of payment shall also serve as proof or suspension of the tax under § 41.4483-3 for the number of vehicles entered in that part of the Schedule 1 designated for vehicles for which tax has been suspended. The vehicle identification number of any vehicle for which a return is being filed, whether tax is being paid with respect to such vehicle or tax is suspended on such vehicle, must appear on the Schedule 1 (or an attached page) in order for the Schedule 1 to be a valid proof of payment for such vehicle.

(2) *Acceptable substitute for receipted Schedule 1.* For purposes of this section, a photocopy of the Form 2290 (with the Schedule 1 attached) that is filed with the Internal Revenue Service for a vehicle being entered into the United States with sufficient documentation of payment of tax due at the time the Form 2290 is filed (such as a photocopy of both sides of a cancelled check) shall be accepted as proof of payment. No documentation of payment of tax is required with the substitute proof of payment if at the time the Form 2290 is filed the tax imposed by section 4481(a) is suspended under § 41.4483-3 with respect to the vehicle entering the United States. This substitute proof of payment may be used to enter a vehicle into the United States when, for example, the receipted Schedule 1 has been lost, or if the taxpayer that filed a Form 2290 with respect to such vehicle has not received a receipted Schedule 1 at the time such vehicle enters the United States.

(d) *Taxable periods to which this section applies.* This section shall apply to any taxable period beginning on or after July 1, 1987.

Par. 8. Section 41.6091-1 is amended as follows:

- a. The second sentence of paragraph (a) is revised to read as set forth below.
- b. The second sentence of paragraph (b) is revised to read as set forth below.

§ 41.6091-1 Place for filing returns.

(a) * * * If the person has no principal place of business or legal residence in any internal revenue district, the return shall be filed with the Internal Revenue Service Center, Philadelphia, PA.

(b) * * * If a corporation has no principal place of business or principal office or agency in any internal revenue district, the return shall be filed with the Internal Revenue Service Center, Philadelphia, PA.

PART 602—[AMENDED]

Par. 9. The authority for 26 CFR Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 10. Section 602.101(c) is amended by inserting the following item in the appropriate place in the table:

§ 41.6001-3..... 1545-0143
* * * * *

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

Approved: August 6, 1987.

O. Donaldson Chapoton,

Acting Assistant Secretary of the Treasury.
[FR Doc. 87-20455 Filed 9-3-87; 8:45 am]

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DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 161**

[CGD 85-076]

Berwick Bay Vessel Traffic Service

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This final rule revises the regulations which apply to towing operations during periods of high water in the area covered by Berwick Bay Vessel Traffic Service (VTS) at Morgan City, Louisiana. A review of recent casualties within the VTS area indicated the need to tailor the regulations to better address the nature of the problems actually experienced. In addition, the present regulations have proven to be complex and difficult to apply. These amendments focus on actual needs and deficiencies, eliminate unreasonable burdens resulting from the present system of determining required horsepower for towboats, and simplify

implementation of the high water limitations.

EFFECTIVE DATE: October 5, 1987.

FOR FURTHER INFORMATION CONTACT:

Mr. Michael J. Powers, Office of Navigation, (202) 267-0415.

SUPPLEMENTARY INFORMATION: Berwick Bay VTS (VTS) regulations were originally published on January 5, 1984, to replace a Coast Guard local order outlining procedures to be followed when transiting the VTS. Since publication, meetings between industry representatives and the Coast Guard and the conduct of a study of casualties in the Berwick Bay area highlighted the need to make the regulations more accurately reflect actual operating conditions on the waterway. Changes recommended were published in a Notice of Proposed Rulemaking (NPRM) on January 9, 1987 (52 FR 806) with a sixty day comment period. Two letters were received in response to the NPRM.

Drafting information

The principal persons involved in drafting this final rule are Mr. Michael J. Powers, Project Manager, LCDR Richard E. Ford, PSSTA Houston, and Mr. Stephen H. Barber, Project Counsel, Office of Chief Counsel.

Discussion of Comments

Both of the letters received concurred with the intent of the changes, one specifically saying so and the other not voicing opposition to the substance of the changes. One comment recommended removing the last sentence in the note to § 161.767, which recommends, rather than requires, barges to have draft and beam variations not exceeding 10% of the draft of the barge drawing the most water and 10% of the beam of the widest barge. This recommendation, it is contended, may be construed by vessel operators to have the force of a regulation. The Coast Guard concurs with this recommendation. Therefore, this sentence is removed.

Two comments made recommendations as to the placement of mooring buoys for the fleeting of barges. The Coast Guard is aware of the interest in the placement of mooring buoys in the Berwick Bay area. These comments will be considered should barge fleeting areas be established in the Berwick Bay area.

The Coast Guard is correcting the description, in § 161.768, of the two highway bridges crossing Berwick Bay. This change will reflect that there are two bridges, one is the U.S. Highway 90 bridge, while the other is the LA Route 187 bridge.

Regulatory Evaluation

This final rule is considered to be non-major under Executive Order 12291 and non-significant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). A Regulatory Impact Analysis under Executive Order 12291 is not required. The economic impact of this final rule has been found to be so minimal that further evaluation is unnecessary.

The amendments will affect only towing operations during periods when the High Water Towing Limitations are in effect. These amendments, as do the existing regulations, restrict length, horsepower, and configuration of vessels with tows and may require certain operations to break up tows or add power. However, because the amendments will replace the existing fixed horsepower requirements based on a range of lengths (e.g., 1,200 horsepower for a 400' to 600' range) with a direct horsepower to length requirement, some operations will be permitted to operate with more barges or less available horsepower than permitted under the existing regulations. In other words, depending on the circumstances of the particular operation, the changes will increase the operational costs for some operations but could reduce them for others. Because of the numerous variables from one operation to the next, the overall extent of these benefits and burdens is not precisely quantifiable. No information was received in response to the Coast Guard's specific solicitation for comments on this point. However, an estimate of the savings can be made from the expected decrease in the number of tripping operations that will occur when these changes are implemented.

"Tripping" is the operation whereby a tow too long for the available horsepower of the towing vessel must be broken up into two or more segments for transiting the bridges, and then reassembled. It is known that tripping through the VTS Area can take up to twelve hours and cost an additional \$800 to \$3,000 in manhours, fuel, and revisions to schedules. If the average tripping cost is \$1,900 per trip (midway between \$800 and \$3,000) and this figure is multiplied by 60 (the estimated number of operations per year that require tripping under the existing regulations but would not require tripping under these amendments), the total savings could be approximately \$114,000 per year. However, as mentioned earlier, some operations not requiring tripping under the existing

regulations might require it under this final rule.

In any event, the real benefits of this rulemaking are to make the limitations more fair and less arbitrary and to make them easier to understand and apply in the field. Savings which one operator may incur on a particular operation would be, under the broad scheme, only a secondary benefit.

Also, because these amendments are keyed to the results of the Coast Guard study based on actual usage of the VTS Area, these amendments should, in some instances, improve safety but, in all cases, maintain at least the present level of safety without unnecessary "overkill".

No comments were received to the regulatory evaluation in the NPRM.

Regulatory Flexibility Analysis

As discussed above in the final Regulatory Evaluation, these amendments should not have a significant economic effect. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605 (b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

Reporting and Recordkeeping Requirements

This rule contains no reporting or recordkeeping requirements.

Environmental Impact

This action has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation, in accordance with Section 2.B.2 (1) of Commandant Instruction (COMDTINST) M16475.1B.

List of Subjects in 33 CFR Part 161

Hazardous materials transportation, Navigation (water), Vessels.

For reasons set forth in the preamble, Title 33, Part 161 of the Code of Federal Regulations is amended as follows:

PART 161—VESSEL TRAFFIC MANAGEMENT

1. The authority citation for Part 161 is revised to read as follows and all other authority citations are removed:

Authority: 33 U.S.C. 1231; 49 CFR 1.46.

2. By revising in the table of contents for Part 161, the entries under Berwick Bay Vessel Traffic Service, High Water Towing Limitations, to read as follows:

* * * * *

Berwick Bay Vessel Traffic Service

High Water Towing Limitations

- 161.761 Applicability.
 161.762 Precautionary notices.
 161.764 When limitations are in effect.
 161.765 Notice of when limitations are in effect.
 161.767 Operational limitations.
 161.768 Horsepower limitations.

3. By removing the term "Integrated tow" from § 161.703 and by adding in alphabetical order a definition for the term "length of tow" to read as follows:

§ 161.703 Definitions.

"Length of tow" means the combined length in feet of all barges in the tow, excluding the length of hawsers and the length of the tug.

4. By revising § 161.761 to read as follows:

§ 161.761 Applicability.

The high water towing limitations (§§ 161.761 through 161.768) apply to the operation of vessels with tows intending to transit under the lift span of the SPRR bridge or through the navigational openings of either the U.S. Highway 90 bridge or the LA Route 187 bridge, both to the north of the SPRR bridge, when those limitations are in effect.

5. By revising §§ 161.767 and 161.768 to read as follows:

§ 161.767 Operational limitations.

- (a) Towing on a hawser in either direction is prohibited, with the exception of one self-propelled vessel towing one other vessel upbound.
 (b) Barges and towing vessels must be

arranged in tandem, with the exception of one vessel towing one other vessel alongside.

(c) A towing vessel or vessels and tow must not exceed an overall length of 1,180 feet.

(d) Tows with a box end in the lead must not exceed two barges in length.

Note.—The variation in draft and beam of the barges in a multibarge tow should be minimized in order to avoid unnecessary strain on the coupling wires.

§ 161.768 Horsepower limitations.

(a) All tows carrying a cargo of particular hazard must have available horsepower of at least 600 or three times the length of tow, whichever is greater.

(b) All tows not carrying a cargo of particular hazard must have available horsepower of at least the following:

Direction of transit	Available horsepower for daytime transit	Available horsepower for nighttime transit
Upbound.....	400 or three times (length of tow minus 300 ft.), whichever is greater.....	600 or three times (length of tow minus 200 ft.), whichever is greater.....
Downbound.....	600 or three times (length of tow minus 200 ft.), whichever is greater.....	600 or three times length of tow, whichever is greater.

"Daytime" means sunrise to sunset. "Nighttime" means sunset to sunrise.

(c) A 5% variance from the available horsepower required under paragraphs (a) and (b) of this section is permitted.

(d) Tows with 3,000 or more available horsepower need not comply with paragraphs (a) and (b) of this section.

§ 161.769 [Removed]

6. By removing § 161.769, *Northbound limitations*.

161.770 [Removed]

7. By removing § 161.770, *Extreme high water limitations*.

Dated: August 6, 1987.

Martin H. Daniell,
 Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 87-20333 Filed 9-3-87; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Parts 166 and 167

[CGD 84-004]

Shipping Safety Fairways; Approach to New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule establishes two new parallel fairways to connect the Eastern approach off Nantucket and the Eastern approach off Ambrose lanes of the traffic separation scheme (TSS) Off New York. The intended effect of this rule is to enhance navigational safety by

providing a corridor free from fixed offshore structures. This action is necessary to allow vessels to navigate safely in the approach to New York. This rule will repromulgate the TSS Off New York under the Ports and Waterways Safety Act (PWSA) and incorporate it into Part 167 Title 33 Code of Federal Regulations. This action is administrative in nature and will make the regulations in 33 CFR Part 167 for PWSA established TSSs applicable to the Off New York TSS (which was originally established prior to the PWSA). This final rule will also renumber the one TSS in 33 CFR Part 167. This action is administrative in nature and will allow TSSs to be numbered according to their geographic area.

EFFECTIVE DATE: October 5, 1987.

FOR FURTHER INFORMATION CONTACT:

Lieutenant (j.g.) Daphne Reese, Project Manager, Office of Navigation (G-NSS-2), Room 1606, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593-0001, (202) 267-0365.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) concerning the shipping safety fairway in this final rule was published on December 8, 1986 (51 FR 44072). Interested parties were given until February 6, 1987, to submit comments. A public hearing was not held.

The Coast Guard is making an administrative change to 33 CFR Part 167 in this final rule which will renumber the Galveston Bay approach TSS and precautionary areas. This change will place all future TSSs in sequence according to their corresponding Coast Guard District. As a result, the section numbers for the Off New York TSS and precautionary areas published in this final rule are different from the section numbers given in the NPRM of December 8, 1986.

Drafting Information

The principal persons involved in drafting this rulemaking are: Lieutenant (j.g.) Daphne Reese, Project Manager, and Lieutenant Sandra Sylvester, Project Attorney, Office of Chief Counsel.

Background

The Ports and Waterways Safety Act (PWSA) (33 U.S.C. 1223) authorizes the Coast Guard to designate shipping safety fairways to allow vessels an area free of fixed structures for safe access to U.S. ports. The regulation governing shipping safety fairways (33 CFR Part 166) provide that fixed offshore structures, temporary or permanent, are not permitted within designated safety fairways, and are only permitted within fairway anchorages if the structures are two miles apart. The shipping safety fairways exist to provide an obstruction

free corridor for navigation during development and production of offshore resources. The Coast Guard also has the authority, in accordance with the PWSA, to modify or relocate existing safety fairways to improve navigation safety or to accommodate offshore mineral exploitation and exploration.

The authority to create a fairway may be exercised by the Coast Guard only after a study of potential traffic density and use conflicts has been conducted to determine the need for designated safe access routes for vessels proceeding to and from U.S. ports. One such conflict can occur when vessels navigate in an area which is subject to offshore development. Shipping safety fairways can interfere with the direct exploration for and production of oil and gas on the Outer Continental Shelf (OCS). In conducting a port access route study, the Coast Guard attempts to recognize and minimize each identifiable cost impact as balanced against the needs of safe navigation. The results of a port access route study can cause restrictions in the manner in which specific offshore areas are leased after the date of the study. The study which identified the need for this rulemaking was initiated by a notice in the *Federal Register* on February 9, 1984 (49 CFR Part 5017), and corrected on February 22, 1984 (49 FR 6593).

The Third Coast Guard District performed the study after the Minerals Management Service (MMS) scheduled Outer Continental Shelf (OCS) lease sale 82 for May 9, 1984. The sale included blocks in the area between the existing portions of the Off New York TSS and posed a potentially significant impact on navigation.

Study Results were published in the *Federal Register* on December 13, 1985, (50 FR 50925). The study recommended the TSS Off New York remain as presently established; the lanes of the two sections of the TSS Off New York be connected by two new parallel shipping safety fairways; and the TSS Off New York be repromulgated and published in Part 167 of Title 33, Code of Federal Regulations.

This rulemaking establishes a new shipping safety fairway in the approach to New York. The fairway connects the Eastern approach, off Nantucket segment, of the Off New York TSS to the Eastern approach, off Ambrose segment, of the TSS. The fairway design consists of two parallel fairways, each approximately two-miles wide, except over the final five miles at each end where they gradually expand to connect with the five-nautical-mile-wide lanes of the existing TSS, creating a funneling effect. The fairway runs generally east-west for approximately 130 miles and is

located approximately 10 miles offshore (at its closest point). The fairway totally or partially includes the following blocks as described by the MMS:

Mid-Atlantic	No. of blocks
NK 18-12:	
418-419	2
424-437	14
462-480	19
506-509	4
550-551	2
558-570	13
584-614	21
638-643	6
NK 19-10:	
406-423	18
537-555	19
581-599	19
Total	137
North Atlantic	No. of blocks
NK 19-10:	
392-393	2
424-437	14
479-481	3
524-525	2
556-569	14
600-613	14
Total	49

Total Atlantic Blocks Affected = 186

The PWSA stipulates future development of these blocks be in accordance with fairway restrictions based on the announcement of the study for this rulemaking. This new fairway will provide a corridor free from fixed structures for vessel traffic in the approach to New York.

The MMS received only one bid on lease sale 82, which was returned unopened. Lease sale 82 has been cancelled. The MMS has postponed leasing in the North Atlantic until lease sale 96, scheduled for November, 1987. At this time, it is impossible to determine what resources, if any, would be inaccessible as a result of this rulemaking.

The original New York TSS was established in May, 1967 and was approved by the International Maritime Organization (IMO) prior to the promulgation of the PWSA. IMO approved TSSs and precautionary areas established after the PWSA are contained in 33 CFR Part 167. For consistency among TSSs, New York TSS is incorporated into 33 CFR Part 167 by this rulemaking under the authority of the PWSA. Eventually, all other pre-PWSA TSSs will be incorporated into 33 CFR Part 167 by rulemaking.

This rulemaking also rennumbers the Galveston approach TSS in 33 CFR Part 167 from 33 CFR 167.100 to 33 CFR 167.350. This action is administrative in nature and will allow all TSSs in Part 167 to have section numbers according

to geographic area. The section numbers given in this final rule for the Off New York TSS reflect this administrative change in numbering.

Discussion of Comments

One comment was received in response to the NPRM. The comment was in favor of the rulemaking and was from a maritime trade association. The comment supported the rulemaking as published because it will "increase navigational safety by providing a corridor free from fixed offshore structures and have the least impact on development of the OCS." Based on a review of the need for our proposal and the comment to the NPRM, the Coast Guard believes the shipping safety fairway in the approach to New York is necessary.

Regulatory Evaluation

This rulemaking will not have adverse environmental impact. To the contrary, the risk of environmental damage will decrease because vessels will have an established access route where structures will not be permitted, allowing for safer maritime navigation. While there is potential energy impact from this rulemaking, none has been identified or can be determined from the available information.

The Coast Guard is directed by the PWSA to anticipate development on the OCS and to reconcile the potential conflict with navigation by establishing routing measures in frequently used corridors. The fairway was designed to have the least adverse impact upon future blocks and leaseholders. Although shipping safety fairways may interfere with direct exploration and production of oil and gas on the OCS, there is no indication that the establishment of this fairway will interfere with OCS development. The precise location of resources in the fairways is unknown; the outcome of future lease sales on blocks within the fairway is uncertain; and indirect access to resources is technically feasible through most of the two-mile-wide fairway.

When there is evidence fixed structures must be placed in an area designated as a fairway to gain access to significant quantities of oil or gas, a request for an adjustment to a fairway will be given the appropriate consideration by the Coast Guard. The request will be handled in accordance with the PWSA and rulemaking procedures to determine whether navigation safety will be jeopardized by a modification of the fairway. In most cases a fairway modification will

require a PWSA port access study before rulemaking can be commenced.

This shipping safety fairway will overlay traditional traffic routes and will not alter applicable navigation rules or cause interference with fishing activities.

These regulations are considered to be non-major under Executive Order 12291 and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). This designation will contribute to navigation safety without significantly interfering with development of the OCS. The economic impact of this regulation has been found to be minimal and further evaluation is unnecessary. Since the impact of this rulemaking has been found to be minimal, the Coast Guard certifies it will not have a significant economic impact on a substantial number of small entities.

List of Subjects

33 CFR Part 166

Anchorage grounds, Marine safety, Navigation (water), Waterways, Shipping safety fairways.

33 CFR Part 167

Navigation (water), Vessel, Traffic Separation Scheme.

In consideration of the foregoing, Parts 166 and 167 of Title 33, Code of Federal Regulations are amended as follows:

PART 166—SHIPPING SAFETY FAIRWAYS

1. The authority citation for Part 166 continues to read as follows:

Authority: 33 U.S.C. 1223; 49 CFR 1.46(n)(4).

2. Section 166.500 is added to read as follows:

§ 166.500 Areas along the Atlantic Coast.

(a) *Purpose.* Fairways, as described in this section are established to control the erection of structures therein to provide safe vessel routes along the Atlantic Coast.

(b) *Designated areas.*—(1) *Off New York Shipping Safety Fairway.*

(i) Ambrose to Nantucket Safety Fairway. The area enclosed by rhumb lines, [North American Datum of 1927 (NAD-27)], joining points at:

Longitude	Longitude
40°32.20'N	73°04.57'W
40°30.58'N	72°58.25'W
40°34.07'N	70°19.23'W
40°35.37'N	70°14.09'W
40°30.37'N	70°14.00'W
40°32.07'N	70°19.19'W
40°28.58'N	72°58.25'W
40°27.20'N	73°04.57'W

(ii) Nantucket to Ambrose Safety Fairway. The area enclosed by rhumb lines, NAD-27, joining points at:

Latitude	Longitude
40°24.20'N	73°04.58'W
40°22.58'N	72°58.28'W
40°28.07'N	70°19.09'W
40°27.37'N	70°13.46'W
40°22.37'N	70°13.36'W
40°24.07'N	70°19.05'W
40°20.58'N	72°58.28'W
40°19.20'N	73°04.58'W

PART 167—OFFSHORE TRAFFIC SEPARATION SCHEMES

3. The authority citation for Part 167 is amended to read as follows:

Authority: 33 U.S.C. 1223; 49 CFR 1.46(n).

§ 167.100 [Redesignated as § 167.350].

4. In Subpart B, § 167.100 is redesignated as § 167.350 and an undesignated heading is added preceding § 167.350 to read as follows:

Atlantic Gulf Coast

* * * * *

5. In Part 167, the heading of Subpart B is revised to read as follows:

Subpart B—Description of Traffic Separation Schemes and Precautionary Areas. (All geographic positions are based on North American Datum of 1927)

6. In Subpart B, an undesignated heading and §§ 167.150 to 167.155 are added to read as follows:

Atlantic East Coast

§ 167.150 Off New York Traffic Separation Scheme and Precautionary Areas.

The specific areas in the Off New York Traffic Separation Scheme and Precautionary Areas are described in §§ 167.151, 167.152, 167.153, 167.154, and 167.155 of this chapter.

§ 167.151 Precautionary areas.

(a) A circular precautionary area with a radius of seven miles is established centered upon Ambrose Light in geographical position 40°27.50'N, 73°49.90'W.

(b) A precautionary area is established between the traffic separation scheme "Eastern Approach, off Nantucket" and the traffic separation scheme "In the Approach to Boston, Massachusetts." (1) The precautionary area is bounded to the east by a circle of radius 15.5 miles, centered upon geographical position 40°35.00'N, 69°00.00'W, and is intersected by the traffic separation schemes "In the Approach to Boston, Massachusetts" and "Off New York" at the following geographic positions:

Latitude	Longitude
40°50.33'N	68°57.00'W
40°23.75'N	69°14.63'W

(2) The precautionary area is bounded to the west by a line connecting the two traffic separation schemes between the following geographical positions:

Latitude	Longitude
40°36.75'N	68°15.16'W
40°48.00'N	69°03.33'W

§ 167.152 Eastern approach, off Nantucket.

(a) A separation zone is established bounded by a line connecting the following geographical positions:

Latitude	Longitude
40°28.75'N	69°14.83'W
40°27.62'N	70°13.77'W
40°30.62'N	70°14.00'W
40°31.75'N	69°14.97'W

(b) A traffic lane for westbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°36.75'N	69°15.17'W
40°35.62'N	70°14.15'W

(c) A traffic lane for eastbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°22.62'N	70°13.60'W
40°23.75'N	69°14.63'W

§ 167.153 Eastern approach, off Ambrose Light.

(a) A separation zone is established bounded by a line connecting the following geographical positions:

Latitude	Longitude
40°24.33'N	73°04.97'W
40°24.20'N	73°11.50'W
40°26.00'N	73°40.93'W
40°27.00'N	73°40.75'W
40°27.20'N	73°11.50'W
40°27.33'N	73°04.95'W

(b) A traffic lane for westbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°32.33'N	73°04.95'W
40°32.20'N	73°11.50'W
40°28.00'N	73°40.73'W

(c) A traffic lane for eastbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°25.05'N	73°41.32'W
40°19.20'N	73°11.50'W
40°19.33'N	73°04.97'W

§ 167.154 South-eastern approach.

(a) A separation zone is established bounded by a line connecting the following geographical positions:

Latitude	Longitude
40°03.10' N.	73°17.93' W.
40°06.50' N.	73°22.73' W.
40°22.45' N.	73°43.55' W.
40°23.20' N.	73°42.70' W.
40°24.20' N.	73°04.58' W.
40°08.72' N.	73°20.10' W.

(b) A traffic lane for north-westbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°08.98' N.	73°10.87' W.
40°12.42' N.	73°15.67' W.
40°24.02' N.	73°41.97' W.

(c) A traffic lane for south-eastbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°21.82' N.	73°44.55' W.
40°02.80' N.	73°27.15' W.
39°59.43' N.	73°22.35' W.

§ 167.155 Southern approach.

(a) A separation zone is established bounded by a line connecting the following geographical positions:

Latitude	Longitude
39°45.70' N.	73°48.00' W.
40°20.63' N.	73°48.33' W.
40°20.87' N.	73°47.07' W.
39°45.70' N.	73°44.00' W.

(b) A traffic lane for northbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
39°45.70' N.	73°37.70' W.
40°21.25' N.	73°45.85' W.

(c) A traffic lane for southbound traffic is established between the separation zone and a line connecting the following geographical positions:

Latitude	Longitude
40°20.53' N.	73°49.65' W.
39°45.70' N.	73°54.40' W.

Note.—Use of LORAN C enables masters of appropriately equipped vessels to be informed highly accurately and continuously about the vessel's position in the area covered by this scheme.

7. In Part 167, the table of contents for Subpart B is revised to read as follows:

Subpart B—Description of Traffic Separation Schemes and Precautionary Areas. (All geographic positions are based on North American Datum of 1927).

Atlantic Coast East

Sec.

- 167.150 Off New York Traffic Separation Scheme and Precautionary Areas.
167.151 Precautionary areas.
167.152 Eastern approach, off Nantucket.

Sec.

- 167.153 Eastern approach, off Ambrose Light.
167.154 South-eastern approach.
167.155 Southern approach.
Atlantic Gulf Coast
167.350 Galveston Bay Approach Traffic Separation Scheme and Precautionary Areas.

Dated: July 31, 1987.

A.B. Smith,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation.

[FR Doc. 87-20334 Filed 9-3-87; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-3250-3]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: Today's final rulemaking pertains to rules developed by Indiana to satisfy the Clean Air Act's (ACT) Reasonably Available Control Technology (RACT) requirements for Stage I Gasoline Dispensing Regulations. USEPA's final approval of this action is based upon a revision which was submitted by the State to satisfy the requirements of Part D of the ACT and USEPA's October 27, 1982 (47 FR 47554) and February 10, 1986 (51 FR 4912), conditional approval of Indiana's plan.

EFFECTIVE DATE: This final rulemaking becomes effective on October 5, 1987.

ADDRESSES: Copies of the SIP revision, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses: (It is recommended that you telephone Uylaine E. McMahan, at (312) 886-6031, before visiting the Region V Office.)

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Office of Air Management, Indiana Department of Environmental Management, 105 South Meridian Street, P.O. Box 6015, Indianapolis, Indiana 46206-6015

A copy of today's revision to the Indiana SIP is also available for inspection at:

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, DC 20460

FOR FURTHER INFORMATION CONTACT: Uylaine E. McMahan, (312) 886-6031.

SUPPLEMENTARY INFORMATION:

Part I—Background

Under section 107 of the Clean Air Act, USEPA has designated certain areas in Indiana as not attaining the National Ambient Air Quality Standards (NAAQS) for ozone. See 43 FR 8962 (March 3, 1978), and 43 FR 45993 (October 5, 1978). Part D of the ACT requires the State to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the ozone NAAQS as expeditiously as practicable, but not later than December 31, 1982 (in certain cases by December 31, 1987). The requirements for an approvable SIP are described in a General Preamble for Part D Rulemaking published on April 4, 1979 (44 FR 20372), and at 44 FR 38583 (July 2, 1979), 44 FR 50371 (August 28, 1979), 44 FR 53761 (September 17, 1979), and 44 FR 67182 (November 23, 1979).

An adequate SIP for ozone is one that includes sufficient control of VOC emissions for stationary and mobile sources to provide for attainment of the ozone standard. For stationary sources, the plan must include, at a minimum, legally enforceable requirements reflecting the application of RACT for those sources for which USEPA has published Control Technique Guidelines (CTGs).¹ In general, where the State regulations are not supported by the information in the CTGs, the State must provide a demonstration that its regulations represent RACT or amend the regulations to be consistent with the information in the CTGs.

In response to the requirements of Part D of the Act, the State of Indiana revised its SIP to require control of VOC emissions from the stationary industrial sources addressed in USEPA's Group I CTGs. On February 11, 1980, the State submitted to USEPA a revision to the ozone portion of its SIP for the Group I sources of VOC emissions. USEPA took final action to conditionally approve the Group I sources' regulations on October 27, 1982 (47 FR 47552).²

¹ CTGs published before January 1, 1978, are referred to as "Group I CTGs" and pertain to "Group I Sources", and CTGs published between January 1, 1978, and January 1, 1979, are "Group II CTGs" and pertain to "Group II Sources".

² For more detail on conditional approvals, see 44 FR 38583 (July 2, 1979), and 44 FR 38583 (November 23, 1979).